

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EDWARD VERZEL DODSON,

Petitioner,

Case No. 15-12320

v.

HON. MARK A. GOLDSMITH

CARMEN PALMER,

Respondent.

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**ORDER GRANTING PETITIONER'S MOTION TO DISMISS (Dkt. 9)**

Petitioner filed a petition for writ of habeas corpus under 28 U.S.C. § 2254. Through counsel, he challenged his convictions for armed robbery, Mich. Comp. Laws § 750.529, and fourth-degree fleeing and eluding, Mich. Comp. Laws § 257.602a(2). On July 9, 2018, Petitioner's counsel filed a motion to dismiss the action in its entirety, because Petitioner was declared dead on February 8, 2018 (Dkt. 9). In support, counsel attaches the Certificate of Death signed by the Lapeer County medical examiner. See Death Certificate, attached to Mot. to Dismiss, PageID.1069

Article III, § 2 of the United States Constitution requires the existence of a case or controversy through all stages of federal judicial proceedings. This means that, throughout the litigation, the petitioner "must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision." Lewis v. Continental Bank Corp., 494 U.S. 472, 477 (1990). An incarcerated habeas petitioner's challenge to the validity of his or her conviction satisfies the case-or-controversy requirement because the incarceration constitutes a concrete injury which can be redressed by the invalidation of the conviction. See Spencer v. Kemna, 523 U.S. 1, 7 (1998). Here, any injury suffered by Petitioner would not be

redressable by a favorable judicial decision. Accordingly, Petitioner's motion is granted and the petition is hereby dismissed as moot.

SO ORDERED.

Dated: July 16, 2018  
Detroit, Michigan

s/Mark A. Goldsmith  
MARK A. GOLDSMITH  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on July 16, 2018.

s/Karri Sandusky  
Case Manager